

# **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

## **NOTICE OF PROPOSED REGULATORY ACTION**

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5  
AMEND ARTICLE 5, SECTION 1226

### **LEAVING DRIVER'S COMPARTMENT (CHP-R-06-19)**

The California Highway Patrol (CHP) proposes to amend regulations in Title 13, California Code of Regulations (13 CCR), Section 1226 relating to the conditions under which a driver may leave the driver's compartment of a schoolbus.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Section 34501.5 of the California Vehicle Code (VC) requires the CHP to adopt reasonable rules and regulations which, in the judgment of the Department, are designed to promote the safe operation of vehicles described in Sections 39830 and 82321 of the Education Code and Sections 545 and 34500 VC.

Title 13, California Code of Regulations (13 CCR), Section 1226, sets forth specific operational requirements whenever a driver leaves the driver's compartment of a school bus. When a pupil is aboard a school bus, the driver may not leave the driver's compartment without first stopping the engine, effectively setting the parking brake, placing the transmission in first or reverse gear or park position, and removing the ignition keys, which must remain in the driver's possession. On vehicles with automatic transmissions which do not have a park position, the transmission must be placed in neutral. The CHP proposes to amend Section 1226.

#### **PUBLIC COMMENTS**

Any interested person may submit written comments on this proposed action via facsimile at (916) 446-4579, by email to [cvsregs@chp.ca.gov](mailto:cvsregs@chp.ca.gov), or by writing to:

CHP, Enforcement Services Division  
Commercial Vehicle Section  
ATTN: Mr. Mike Chaffee  
P. O. Box 942898  
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 PM, March 24, 2008.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section, no later than 15 days prior to the close of the written comment period.

## **AVAILABILITY OF INFORMATION**

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 446-4579, or by calling the CHP, Commercial Vehicle Section, at (916) 445-1865, or by e-mail to [mchaffee@chp.ca.gov](mailto:mchaffee@chp.ca.gov). All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, Commercial Vehicle Section, 444 North Third Street, Suite 310, Sacramento, California. Interested parties are advised to call for an appointment. All documents regarding the proposed action are also available through our website at [www.chp.ca.gov/regulations](http://www.chp.ca.gov/regulations).

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our website.

## **CONTACT PERSON**

Any questions concerning the contents of the proposed regulations should be directed to Mr. Mike Chaffee or Mr. Gary Ritz, CVS, at (916) 445-1865. Inquiries regarding the substance of the proposed regulations should be directed to Mr. Mike Chaffee.

## **ADOPTION OF PROPOSED REGULATIONS**

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

## **FISCAL AND ECONOMIC IMPACT**

The CHP has made an initial determination that this proposed regulatory action: (1) will have no affect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency or school district; nor costs or savings to any state agency, or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

## **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

The CHP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## **EFFECT ON SMALL BUSINESSES**

The CHP has determined that the proposed regulatory action will not affect small businesses. This proposed regulatory action will provide school bus operators with an alternate means of compliance with state regulations and will not create any new fiscal requirements.

## **ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the CHP, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

## **AUTHORITY**

This regulatory action is being taken pursuant to Sections 34501.5 and 34508 VC; and Section 39831, Education Code.

## **REFERENCE**

This action implements, interprets, or makes specific Sections 545, 546, 680, 34501, 34501.5 and 34508 VC.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
S. J. VAUGHN, Chief  
Enforcement Services Division